

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE CONCURRENT RESOLUTION 2066

A CONCURRENT RESOLUTION

SUPPORTING THE REVIEW OF ARSON CONVICTIONS OBTAINED USING EVIDENCE THAT IS
KNOWN TO BE UNRELIABLE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the crime of arson takes hundreds of lives and causes billions
2 of dollars in property damage every year; and

3 Whereas, the fire investigation community acknowledges that it is
4 appropriate and necessary in identifying arson to use only the most
5 acknowledged updated and thorough methods; and

6 Whereas, National Fire Protection Association (NFPA) 921, Guide for
7 Fire and Explosion Investigations, provides fire investigators with guidance
8 on how to properly apply the scientific method to fire investigations; and

9 Whereas, since the turn of the century, NFPA 921 has been generally
10 accepted as the standard of care for fire investigation; and

11 Whereas, it is vitally important and appropriate to use only the most
12 thorough and comprehensive methods in identifying incendiary fires to avoid
13 improperly classifying fires as incendiary when in fact they are accidental;
14 and

15 Whereas, there are currently approximately 89 individuals in Arizona's
16 prisons serving time for arson; and

17 Whereas, it is not clear when the investigative techniques of NFPA 921
18 or other more sophisticated techniques have been used by law enforcement over
19 the years in all fire investigations by agencies in Arizona; and

20 Whereas, it is possible that some of those persons convicted of arson
21 in Arizona may have been convicted using antiquated and unreliable techniques
22 in the past.

23 Therefore

24 Be it resolved by the House of Representatives of the State of Arizona, the
25 Senate concurring:

26 1. That the Legislature supports the judicial review of those arson
27 convictions obtained using evidence that is now known to be unreliable.

28 2. That the Legislature supports the use of NFPA 921 as a guide, as
29 well as all other currently reliable and probative techniques by the judicial
30 branch, law enforcement agencies and other entities in future fire
31 investigations.

UNANIMOUSLY ADOPTED BY THE HOUSE APRIL 12, 2010.

AUNNIMOUSLY ADOPTED BY THE SENATE APRIL 29, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2010.